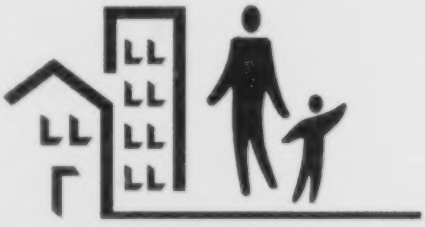


PUBLIC GUARDIAN
AND TRUSTEE OF
BRITISH COLUMBIA

The Woodlands Project

July 2002 – June 2004

A Report of the
Public Guardian and Trustee
of British Columbia
August 2004

Acknowledgements

The Public Guardian and Trustee of British Columbia wishes to thank former residents, family members, caregivers and others for their contributions to the Woodlands Project. Many individuals shared deeply personal information with project team members. This information was invaluable in providing the project team with a greater appreciation of the experiences of former residents and it enhanced our ability to provide support, information and advice.

> In particular, the general public must be convinced that the existing "total institution" is neither necessary nor desirable in our contemporary society. We have both the ability and the resources to provide the necessary alternatives. All that is needed is the will. The role of the present institutions must be seen as "transitional" for, if they are maintained until the last chronic long-term patient dies, and continue to admit even a few patients because of inadequate facilities at the community level, they will exist for another hundred years.
>
> *Richard G. Foulkes, MD*
> *Health Security for All British Columbians*
> *1974*

Table of Contents

Part 1 About This Report 4

What this report is about 4
Who this report is written for 4
How this report is organized 5

Part 2 About the PGT Woodlands Project 6

Background to the Project 6
Why the PGT did this project 7
The Role of the Public Guardian and Trustee of British Columbia 8
The Woodlands Project Team 9

Part 3 How the Woodlands Project was Done 10

The Woodlands Project Plan and Tasks 10
Details about each part of the Project Plan 11

Part 4 What was Learned as a Result of the Woodlands Project 19

What was learned from the interviews and documents? 19
What was learned from other research and meetings 22

Part 5 What Happens After the Woodlands Project? 24

Part 6 Conclusion 28

APPENDICES 29
A - Woodlands Timeline 30
B - Documents reviewed for the PGT Woodlands Project 32
C - PGT Woodlands Project Information Sheets 33
D - Words used in this report 46

Part 1

About this Report

What this report is about

This report is a record of the ***Woodlands Project*** undertaken by the Public Guardian and Trustee of British Columbia (***PGT***). The ***Project*** was created after concerns were raised by the public about allegations of abuse of residents of the Woodlands School.

The background to the ***Woodlands Project*** is described in detail at pages 6-9 of this report. The project started in July, 2002 and was finished in June, 2004. The people who worked on the Woodlands Project are called the ***Woodlands Project Team*** or simply, the "Project Team".

This report tells about the work that was done by the Woodlands Project Team. It also tells about what was learned and about things that will still go on after the Woodlands Project ends.

Who this report is written for

This report is written for anyone who is interested in knowing about the work of the Woodlands Project, especially former residents of Woodlands and their families. The report uses plain language whenever possible. Definitions are provided in the Appendix (the last section of the report) for some of the words used in the report. Whenever a word in the report is slanted and in bold letters like ***this***, that is a word that has a definition in the ***Appendix***.

Some former residents may wish to read the report on their own. Others may want to go through the report with another person so that they can talk about it as they go through it.

A spoken-word version of this report is available on the PGT website at www.trustee.bc.ca.

How this report is organized

This report has six parts or sections:

Part 1 - *About this Report.* This section talks about the report, how it is written and who it is written for.

Part 2 - *About the PGT Woodlands Project.* This part of the report talks about why the project was done and how each part of the project was done.

Part 3 - *How the Woodlands Project Was Done.* This part tells in detail about what the Project Team did to provide support, information and advice to former residents of Woodlands who were part of the Woodlands Project.

Part 4 - *What was Learned as a Result of the Woodlands Project*? This part of the report talks about what was accomplished and what was learned by doing this project.

Part 5 - *What Happens after the Woodlands Project?* This section talks about what will happen or might happen with things that are still going on as a result of allegations of ***abuse*** at Woodlands and as a result of the Woodlands Project.

Part 6 - *Conclusion.* This part sums up this report.

At the end of the report is the ***Appendix***. The ***Appendix*** includes background information about Woodlands and the Woodlands Project. It also includes historical ***timelines,*** a list of documents that were collected and reviewed for this project and information sheets for former residents and families about how they can get help and information.

Certain words throughout this report are highlighted. This means that there are definitions for these words in the ***Appendix***.

Part 2

About the PGT Woodlands Project

Background to the Project

Several events led to the creation of the Woodlands Project. The following is a brief list of these events.

Allegations about abuse at Woodlands published in the Vancouver Sun

In February, 2000, the Vancouver Sun newspaper printed stories about Woodlands and what life was like there for the residents. In these news stories, some former residents and staff said that people experienced abuse at Woodlands.

Government asked former Ombudsperson to investigate abuse allegations

In April, 2000, the Deputy Minister from the Ministry of Children and Family Development (MCFD) asked former BC Ombudsman Dulcie McCallum to review files from Woodlands to find out if there was any written information in those files about abuse of Woodlands residents. For her review, MCFD provided Ms. McCallum with some of the Woodlands files. These files included records about investigations of ***allegations*** of ***abuse***. From this information, Ms. McCallum identified records where it looked like some former residents may have been victims of abuse. She identified particular records that she believed merited further investigation. MCFD provided a severed version of those records to the PGT. These were the records that became the main focus of the PGT Woodlands Project. In this report these records will be called the ***Need to Know Records***.

After reviewing the files, Ms. McCallum wrote her report called ***The Need to Know***. Some of the main things Ms. McCallum reported were:

- ***Abuse*** took place at Woodlands,
- ***Abuse*** at Woodlands was ***systemic*** (the way Woodlands was set up made it likely that ***abuse*** would occur),
- More investigation was needed to find out what happened at Woodlands and other institutions in BC

The Need to Know was released to the public and the Woodlands Project Team was created

The Need to Know report was released by the provincial government in July, 2002. When the report came out, the provincial government said that they did not agree with all the conclusions but they wanted to be open about the report and to help former residents and family members. The Ministry of Children and Family Development did several things to be open and to provide help:

- MCFD gave information on how to contact Jane Holland, the Advocate for Service Quality, to get more information about how to access their Woodlands files and get other kinds of assistance

- MCFD provided more staff for the Advocate for Service Quality so that they could help former residents and families quickly

- MCFD provided more staff and special instructions to MCFD staff so that when former residents and family members requested personal information from Woodlands files, this could be provided quickly

- MCFD offered one year of funding for counselling for any former residents and family members who wanted it

- MCFD gave money to the B.C. Self Advocacy Foundation and to the Woodlands Parents Action Group to have meetings to talk about the ***Need to Know Report***

- MCFD made an agreement with the PGT to create the Woodlands Project to provide assistance to any vulnerable person identified in the ***Need to Know Records*** as someone who may have been hurt at Woodlands

Why the PGT did this project

After MCFD released ***The Need to Know*** report, they asked the PGT to get in touch with the former Woodlands residents identified in the files used by Dulcie McCallum in preparing her report.

The PGT was a good choice for the Woodlands Project because the PGT has experience helping adults with disabilities. Also, the PGT already had a

relationship with some former residents because some of the people who lived at Woodlands are now clients of the PGT or had been clients of the PGT in the past. The PGT is independent of the government and could provide advice to former residents without being in a ***conflict of interest***.

> The agreement the Ministry made with the PGT represents a responsible exercise on the part of the government to locate and provide information to those who may have suffered abuse at Woodlands, and who may have a claim against the Crown.
>
> *Court of Appeal of British Columbia*
> *Richard v. British Columbia;*
> *A.W. and D.W. (Litigation*
> *Guardian of) v. British Columbia,*
> *2004 BCCA 337*

The purposes of the Public Guardian and Trustee of British Columbia (PGT) Woodlands Project were:

1. To identify and contact the former residents of Woodlands who were named in the ***Need to Know Records***

2. To provide information, support and advice when needed, to those former Woodlands residents and to any other former resident who asked the PGT for help

The Role of the PGT of British Columbia

In British Columbia, everyone is considered to be capable of making their own decisions unless there has been a determination by the court or by a director of a mental health facility that they are ***incapable***.

Adults who are considered ***incapable*** need help with making some decisions. The PGT tries to find family members or others who know the person well to provide this kind of help. The PGT will help when there is no-one else who can help. If the PGT is your ***committee***, the PGT is involved in decision-making or in providing assistance to protect your money and your legal rights.

Many of the people who lived at Woodlands are capable and the PGT is not involved in their lives. The PGT is only ***committee*** for people who have been deemed to be ***incapable*** and have no one else to help them. Others may have a family member or friend who is their representative or committee.

The Woodlands Project Team

The PGT created a team of people to be involved in the project. Four positions were funded for 18 months so that the project team could be set up.

Some of the team members were people who already worked for the PGT while others were hired especially for the project. Team members were selected for the special skills they could bring to the project. The PGT Woodlands Project Team members and their roles are presented in the following table.

Project Team Members	Team Member Roles
Case Manager	This person helped former residents who are *PGT clients*.
Regional Consultant	This person gave presentations at community forums for former residents and family members and helped former residents who are *not PGT clients*.
Woodlands Project Solicitor	This person is a lawyer who gave legal advice and did research for the project.
Administrative Support Staff and Data Entry Specialists	These team members helped organize different parts of the project and entered all of the information for the project into the computer.
Director of Services to Adults, Manager of Assessment and Investigation Services and Contract Project Manager	These people worked for the PGT and shared responsibility for supervising the Woodlands Project.

Part 3

How the Woodlands Project Was Done

The Woodlands Project Plan and Tasks

In order to complete the job of providing support, information and advice to the Woodlands Project Clients, the Project Team identified three important tasks to be done:

1) Identification of Project Clients

a) Reading the ***Need to Know Records*** and finding the names of the former residents.

2) Outreach and Assistance to Project Clients

a) Writing letters to these former residents (and other former residents who were referred to the Project Team) and speaking with them about their experiences at Woodlands if the former resident agreed.

b) Advising former residents and family members about their right to look at their file information and when requested, helping them to get their records through Freedom of Information requests.

c) Responding to telephone calls from former residents, family members and others, regarding information about Woodlands, about how to get support, how to access their files, and other information.

d) Developing and sharing information sheets about Woodlands and the Woodlands Project.

e) Giving presentations at community meetings to explain to former residents and family members what the Woodlands Project was doing.

f) Meeting with other people and groups interested in Woodlands.

3) Research and Analysis of the Information Obtained

a) Reading and analyzing all of the information the Team collected and putting information into a database.

b) Doing other research about Woodlands and about the effect of institutions on the people who live in them.

Details about each part of the Project Plan

This section of the report talks about what was done for each part of the project.

1) Identification of Project Clients

a) Reading the files that came from MCFD and finding the names of the former residents.

The Woodlands Project had a special agreement with MCFD called a Memorandum of Understanding. This agreement gave MCFD the legal right to give the PGT the ***Need to Know Records*** relating to former residents.

MCFD gave the Woodlands Project a ***severed*** version of the ***Need to Know Records***. Any information about any other person except the former resident was blocked out. Sometimes other information such as ward numbers was also blocked out. MCFD also gave the Woodlands Project a list of the names of former residents that were named in the ***Need to Know Records***.

The Woodlands Project team members read the ***Need to Know Records*** and found some additional names of former residents. Some of the names were only first names or only last names. Some of the names were different from the name the former resident uses now. Some of the names were for people who are no longer alive. The Woodlands Project tried to find out the current full names of all the former residents named in the ***Need to Know Records***.

By the end of the Woodlands Project, the Project Team had identified 214 names from the ***Need to Know Records***. 41 other adults were identified in the list from MCFD or had asked the Woodlands Project for help. There

were some people where there was not enough information to find out their full name or what had become of them. These names were sent to MCFD to see if there was any more information. At the end of the Woodlands Project there were 24 former residents who couldn't be identified by the Woodlands Project Team. MCFD was able to identify some of these former residents but did not provide these names to the PGT. Other former residents could not be identified by MCFD. There were also 88 former residents who were known to be deceased.

When the Woodlands Project had the full names of the former residents who were still alive, they began the outreach part of the Woodlands Project.

2) Outreach and Assistance to Clients

Writing letters to these former residents and speaking with them about their experiences at Woodlands, if the former resident agreed.

One of the most important tasks of the Woodlands Project was to contact former residents whose names came up in the review of the ***Need to Know Records***. The purpose was to support people and to advise them about what they can do.

They all received a letter that told them about the ***Need to Know*** report and let them know that they would be contacted by someone from the Woodlands Project. This task was completed by the Regional Consultant and the Case Manager.

After the letters were sent, project team members contacted each former resident and/or someone providing support to the former resident. In total 166 letters were sent out.

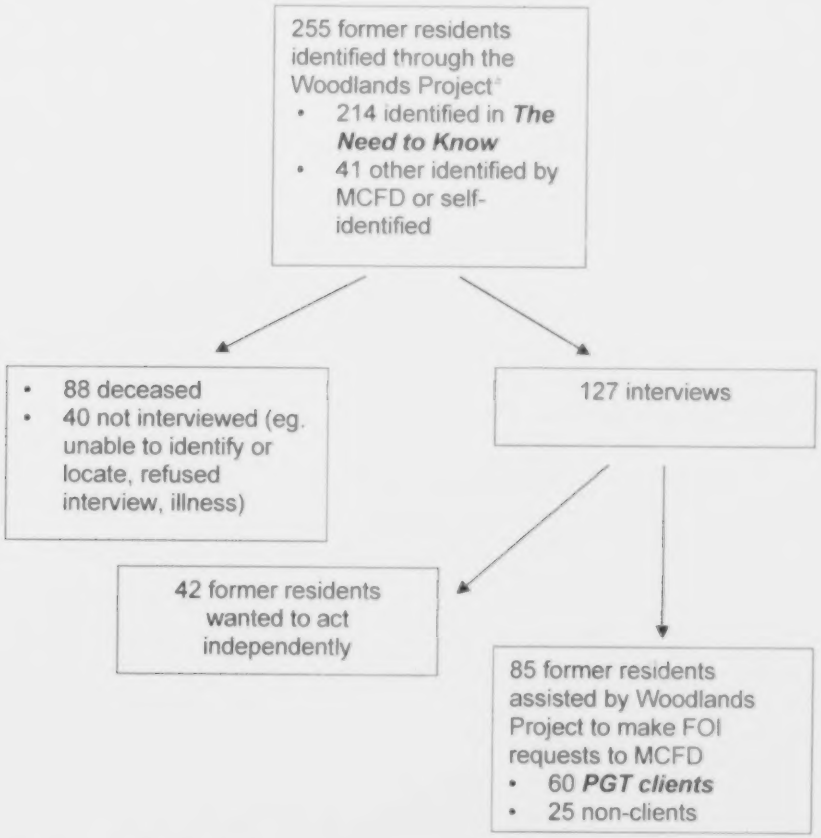
The Case Manager interviewed all former residents named in the MCFD records who were **PGT clients**. When someone is a client of the PGT, the PGT has the legal authority to make financial and legal decisions for that person. The PGT meets with clients to find out what they would like to see happen.

The Regional Consultant made contact with over 100 other former residents who are not PGT clients. She tried to find out if

these former residents are able to make their own decisions about their options or if they need support with this.

Sometimes the communication was directly with the former resident. Other times, a support person was also involved. Support people included parents, brother or sisters, social workers, staff, advocates, or others. The former residents were given information about their options so they could make their own decisions about what to do and about whom (if anyone) they want to help them with these decisions.

FORMER RESIDENTS IDENTIFIED DURING THE WOODLANDS PROJECT


255 former residents identified through the Woodlands Project*
• 214 identified in The Need to Know
• 41 other identified by MCFD or self-identified
• 88 deceased
• 40 not interviewed (eg. unable to identify or locate, refused interview, illness)
127 interviews
42 former residents wanted to act independently
85 former residents assisted by Woodlands Project to make FOI requests to MCFD
• 60 PGT clients
• 25 non-clients

* Some identified individuals declined or were unavailable to interview.

The project team informed the former residents or their legal representatives of the steps they can take in order to obtain their Woodlands records from the MCFD and about how to get assistance from the Office of the Advocate for Service Quality, the Police and other important agencies.

a) Advising former residents and family members about their right to access their file information and when requested, assisting them to get their records through Freedom of Information requests.

Because there was sometimes not very much information in the ***Need to Know Records***, it was necessary to find more information for some former residents. When a former resident was interviewed, the Woodlands Project asked if they would like help getting more information.

The Woodlands Project team helped people get more information in three ways:

- Giving the adult information on how to make an Freedom of Information request to get the adult's personal Woodlands Files
- Making an FOI request for the adult if the adult agreed
- Making an FOI request for the adult if the family members asked the Woodlands Project Team for help and the adult was not capable.

If the former resident was a ***PGT client***, the Project Team already had authority to make an FOI request.

In total, the Woodlands Project Team made 85 requests under the *Freedom of Information and Protection of Privacy Act* to obtain client files for adults who requested their help. The Project Team received over 100,000 pages of information.

The Woodlands Project Team needed to create a way to keep track of all the information. The Woodlands Project used a computer program to keep track of the information.

b) Responding to telephone calls from former residents, family members and others, regarding information about Woodlands and the Woodlands Project.

A number of former residents and family members telephoned the Project Team to get information or assistance about Woodlands and the Woodlands Project. A toll-free line was set up to ensure that callers from across the province had access to the Team.

c) Developing and sharing information sheets about Woodlands and the Woodlands Project, including information for former residents and family members.

The Woodlands Project Information Sheets were developed to help answer the most common questions that staff were being asked. They describe how former residents and family members can get information about Woodlands, the Woodlands Project and important contacts for getting help and further information. Information about contact people and ways to contact them (telephone numbers, e-mail addresses and websites) were included. The information sheets can be found at the end of this report.

d) Giving presentations at community meetings to explain to former residents and family members what the Woodlands Project was doing.

After ***The Need to Know*** report came out, MCFD asked two community organizations to hold meetings – one set of meetings was for former residents and the other set was for family members. Meetings for former residents were organized by the B.C. Self Advocacy Foundation, while meetings for family members were organized by the Woodlands Parents Action Group.

These meetings were held in communities around the province. The meetings included a review of ***The Need to Know*** report and ways to get further information, services and support. Most importantly, former residents and families were asked to respond to the report's recommendations and to say what they think should happen next.

The PGT Regional Consultant attended all of the meetings organized by the B.C. Self Advocacy Foundation to tell people about the Woodlands Project and to let people know they could ask the Woodlands Project for help. People were also given copies of the Woodlands Project Information Sheets.

e) Meeting with other people and groups interested in Woodlands.

The Woodlands Project Team met with and listened to other people and groups interested in Woodlands. Some of these groups are doing public advocacy and some of them are providing information and support to former residents of Woodlands. It was important for the Project Team to share information and expertise with other groups.

The groups that the Woodlands Project made contact with include:

- British Columbia Association for Community Living
- B.C. Self Advocacy Foundation
- Advocate for Service Quality
- New Westminster Police Department
- MCFD Community Living Services
- *We Survived Woodlands* group of former Woodlands residents

> One thing comes clear and that is that, eventually, the asylum or large mental hospital, like the pest house, will exist only in textbooks concerned with the past and a significant social revolution will have taken place.
>
> *Richard G. Foulkes, MD*
> *Health Security for All British Columbians*
> *1974*

3) Research and Analysis

a) Reading and analyzing the information that the Team collected.

Some former residents asked the Woodlands Project for help to make an FOI request for their personal files. The files that the Woodlands Project Team got from MCFD after an FOI request were only the personal files of the adult who lived at Woodlands. These were not the same as the files that Dulcie McCallum looked at for ***The Need to Know Report***.

In the personal files that the Woodlands Project Team looked at there were no staff disciplinary records, very few ***abuse*** investigation reports and very few incident reports. The records were ***severed*** to leave out the names of staff or other residents. This often meant that the portions of the personal files provided to the Woodlands Project Team did not identify who was responsible for the abuse that was reported in ***The Need to Know***.

The Woodlands Project team members read the personal files and the ***Need to Know Records*** and entered information from them into a database.

The database made it easier to organize and summarize information about incidents and issues documented in the files. This helped the Project Team to quickly look up all of the important information that had been collected about specific people, wards, issues and events.

It was helpful to use the ***database*** because:

- A lot of people lived at Woodlands
- Woodlands existed for a long time
- There are a lot of documents that have information about people's lives at Woodlands
- Some people can't tell their own stories.

The database keeps track of things that may have caused harm to people like:

- Things that happened to individual people (use of medication, incident reports, etc.)
- Issues that are frequently mentioned in the ***documents*** (overcrowding, overmedication, altercations between residents, etc.)

The database and all of the files that were received by the Woodlands Project are private and cannot be read or seen by any other person without the former resident's permission (or that of their legal representative) or a court order. They are protected by the Freedom of Information and Protection Privacy Act and by ***solicitor-client privilege***.

b) ***Doing other research about Woodlands and about the effect of institutions on the people who live in them.***

The Woodlands Project Team wanted and needed to know more about Woodlands as an institution. The Team collected information about Woodlands from newspapers, libraries and BC Archives. This information helped the Woodlands Project to understand better how Woodlands was run and to assist former residents.

The Woodlands Project Team also collected information about institutions for people with intellectual disabilities in British Columbia. In the past there were other reports about institutions in British Columbia that talked about Woodlands. Some of these reports are listed in Appendix B of this report.

It was also important to do research on the effects of abuse on adults with intellectual disabilities. This research helped the Project Team to understand some of the longer term effects of the harm that happened at Woodlands and it helped the Woodlands Project Team to give better information and support to the former residents.

Part 4

What was learned as a result of the Woodlands Project?

This part of the report presents the results of the Woodlands Project. The results will be discussed in 2 parts:

- What was learned from the interviews and documents?
- What was learned from other research and meetings?

What was learned from the interviews and documents?

a) The review of Need to Know Records

The review of the ***Need to Know Records*** showed that the most common issue was ***physical abuse*** of residents. Some of the documents indicated that the ***abuse*** was caused by staff but in many others the documents did not say whether the abuser was a staff person, another resident or someone else. Sometimes the document did not say that there was ***abuse*** but it referred to an unusual or severe injury to a resident or that a resident had died. ***Allegations*** of ***physical abuse*** included humiliation of residents, slapping or hitting residents, beatings, bath water temperatures that were too hot or too cold and isolation.

The next most common issue was staffing levels at Woodlands. This meant that there were concerns about whether there were enough staff members for the number of residents. Some of the issues that are related to staffing levels included neglect, resident behaviour and the use of restraints and sedatives.

Sexual abuse was mentioned in the documents but not as commonly as physical abuse. Files referred to residents being treated for sexually transmitted diseases, residents reporting being sexually abused and residents being sterilized.

Other issues referred to in the documents included overcrowding, use of medication and restraints, how residents were disciplined or punished, emotional abuse and loss of family contact.

b) The interviews with former residents showed that

Most of the people interviewed did not like living at Woodlands. Some of the reasons that they didn't like Woodlands included missing their families and feeling like they had no freedom. The interviews with the residents helped the Woodlands Project Team to put the documents from ***The Need to Know*** in context. Their stories sometimes confirmed what was in the documents and also provided information about other incidents.

Stories that were told by the former residents included physical abuse such as being slapped or beaten, sexual abuse by staff or by other residents, having to work on the wards or for other businesses, being confined in side rooms or placed in restraints and losing their privileges. Residents talked about being afraid to speak up for fear they would be punished. They also spoke of the fear of watching or hearing another resident be abused. Some of the residents described how scary it was to live on a ward where they felt that the other residents were dangerous.

For some former residents this interview was the first time they had told anyone about their experiences at Woodlands.

These interviews revealed that the events that took place at Woodlands continue to have a strong effect on people's lives.

The interviews were very helpful for the Woodlands Project Team to learn about the structure of Woodlands as well as which wards were the most difficult to live on. When it was time to look at the resident's files the interviews were very helpful as a place to start from.

c) The review of the individual resident files showed that

The Woodlands Project Team reviewed approximately 100,000 pages of resident files. Nearly 20% of the documents revealed at least one issue of concern. These issues ranged from actual reports of abuse, unexplained injuries or illnesses, unexpected behaviour changes, sexually transmitted diseases, sterilization and the use of birth control in Woodlands, heavy doses of medication, overcrowding, chronic infectious diseases like hepatitis and salmonella, forms of punishment including seclusion,

restraints, restricted visits with family and withdrawal of food and privileges like being able to have coffee or to go out on the grounds alone.

The most common issue in the documents was physical harm to the residents. This was present in about 10% of the documents that contained issues. Sometimes it was clear that this was the result of abuse but often all that was described was an injury ranging from broken bones or teeth, to bruises and cuts. The Woodlands Project Team also noted documents that mentioned punishment, restraints and abuse investigations in this group.

About 5% of the documents that contained issues referred to sexual issues. Sometimes it was clear that there was abuse of residents but more often there were descriptions of sexually transmitted diseases or genital injuries. In a few cases it was well-known by staff that residents were sexually involved with each other or with non-residents in the community. It was not clear whether there had been any investigation of whether the sexual relationships were consensual.

Another 5% of documents that had issues of concern were related to institutional issues like overcrowding, staffing levels, Woodlands policy, lack of privacy, poor quality beds and other furniture, poor building maintenance and lack of fire safety.

In general, the resident files were consistent with the experiences of Woodlands that residents talked about during the interviews.

Because the Woodlands Project did not have access to all information about former residents' lives (either because documents don't exist or weren't provided), we cannot say for sure that those former residents whose files showed no evidence of abuse or harm did not suffer abuse.

What was learned from other research and meetings

The Project Team did other research about Woodlands and about the needs of the former residents.

The information collected about Woodlands from newspapers, libraries and BC Archives and reports from studies done showed how the institution was run and what some of the concerns were that were expressed over the years. For example:

a) Institutions:

- Institutions were designed to control the residents
- Institutions were restrictive by design
- Abuse is more likely to occur in institutions than in community settings
- The Supreme Court of Canada recently said that it is reasonably foreseeable that some people, if left in charge of children in difficult or overcrowded circumstances, will use excessive physical and verbal discipline. It is also reasonably foreseeable that some people will take advantage of the complete dependence of children in their care, and will sexually abuse them. [B.(K.L.) et al v. British Columbia 2003 SCC 51]

b) Woodlands:

- Woodlands was a product of the discriminatory way people thought about people with disabilities at the time the institutions operated
- Woodlands was overcrowded and was under constant pressure to take more residents
- Reports of abuse were common throughout the history of Woodlands
- Reports from the 1930's onward found that Woodlands was overcrowded, poorly staffed, poorly funded, physically hazardous, operated on a medical rather than a social model, and was overly reliant on restraints and behaviour controls rather than rehabilitation and community living.

c) Effects of trauma on adults with intellectual disabilities:

- All people, including adults with multiple and complex disabilities can suffer from long term effects of abuse (some experts sometimes used to think that people with severe disabilities did not feel pain or experience trauma)
- Trauma from abuse can have a negative effect on a person's development and can result in anti-social behaviour like aggression
- People with intellectual disabilities can benefit from support and counselling
- Support staff can benefit from education about trauma and ways to support victims of abuse

d) Evidence given by adults with intellectual disabilities:

- Adults with intellectual disabilities need special help and support when they tell their stories or testify in court in order to reduce the effect of the fear of people in authority produced by institutional living
- It should not be assumed that adults with intellectual disabilities can't or don't tell the truth
- There is ongoing research into the quality of eye witness evidence given by adults with intellectual disabilities
- Research shows that adults with intellectual disabilities have equally good abilities to recall historical events compared to adults without intellectual disabilities
- Research shows that in some cases adults with intellectual disabilities are better historians of institutional life than staff people or documents and records.

Part 5

What Happens After the Woodlands Project?

As of June 30, 2004, the work of Woodlands Project was completed and the project ended. However, there are still places where former residents, family members, friends and advocates can get help and advice.

Public Guardian and Trustee

If the PGT is your ***legal representative***, you can get more information by calling your case manager directly or call (604) 660-4444 and ask to speak with your case manager. If you live outside of the lower mainland, you can call Enquiry BC and ask to be transferred to the Public Guardian and Trustee. From the Victoria area, call Enquiry BC at (250) 387-6121 and from anywhere outside of the Lower Mainland or Victoria areas, call the toll-free number 1-800-663-7867.

If the PGT is not your ***legal representative*** or you are the family member of a former resident of Woodlands, you can get updates from the PGT about issues relating to Woodlands by checking the website or calling one of the numbers above and asking to speak to someone in Assessment and Investigative Services.

PGT Website

The PGT website will have regular updates about the status of the legal proceedings and other important developments about Woodlands. You can visit that website at www.trustee.bc.ca.

BC Institutional Legacy Fund

The *BC Institutional Legacy Fund* was established by MCFD in June, 2003 to provide funding to former residents and family members for counseling and personal support. This fund is available to former residents and family members from four BC institutions;

- Woodlands
- Glendale
- Tranquille

- Endicott Centre

The fund is being administered by the Victoria Foundation. Applications for funding will be reviewed by an advisory committee. The committee includes:

- The Advocate for Service Quality
- One former resident from each of the four institutions
- One family member from each of the four institutions

Advocate for Service Quality

Former residents who need support or help in the community can contact Jane Holland, the Advocate for Service Quality at Lower Mainland telephone number (604) 775-1238. If you do not live in the Lower Mainland you can call her using Enquiry BC: (250) 387-6121 if you are calling from the Victoria area and 1-800-663-7867 if you are calling from outside the Lower Mainland or Victoria.

FOI Requests

Former residents may still make Freedom of Information and Protection of Privacy Act requests to MCFD. In the ***Appendix*** you can find an InfoSheet on how to do this. If you need help you can contact the Advocate for Service Quality at the number above.

***Class Action* Lawsuit**

There is a ***class action lawsuit*** against the government for physical and sexual abuse that happened at Woodlands. Poyner, Baxter is the name of the law firm that is in charge of the class action. You can get more information from their website at www.poynerbaxter.com. You can also telephone them at (604) 988-6321.

If the PGT is your ***legal representative***, your case manager and the PGT lawyers will be managing your role in the class action. You can contact your case manager for information and advice directly or call (604) 660-4444 and ask for your case manager. If you live outside of the Lower Mainland, you can call Enquiry BC and ask to be transferred to the Public Guardian and Trustee. From the Victoria area, call Enquiry BC at (250) 387-6121 and from

anywhere outside of the Lower Mainland or Victoria areas, call the toll-free number 1-800-663-7867.

The next thing that will happen in the class action is that the court will have to approve the ***class action lawsuit***. This will set down what the questions are for the court to decide and who will be part of the class. After the ***class action lawsuit*** is approved, there will be a trial to prove that the government was responsible for the abuse. If the court rules in favour of the former residents, each former resident will have to prove that he or she was specifically abused at Woodlands. It is possible that the case will settle before there has to be a trial.

It may be many years before the ***class action lawsuit*** is resolved.

Individual Law Suit

Some former residents may want to start their own law suit. There are some time limits on starting law suits for abuse that was not sexual. You should ask a lawyer for help if you want to do this. You can get the name of a lawyer from the Canadian Bar Association Lawyer Referral Service at 1-800-663-1919.

Police Reports

Any former residents who believe that they were harmed as a result of a criminal act at Woodlands can make a report to the New Westminster Police Department. The person to contact is Detective Mike McFarlane at Lower Mainland telephone number (604) 529-2457.

Advocacy by support groups and negotiations with government

The PGT along with other community advocacy and support groups will continue to be involved in communications and advocacy with the provincial government on behalf of the former residents of Woodlands. The names of some of these groups are located in the ***Appendix*** in the InfoSheet called Options to Respond.

Other activities

Many people and organizations have identified things that they feel the provincial government and others should do to find out more about what happened at Woodlands and to meet the needs of people who experienced ***abuse*** and ***neglect*** there.

Many former residents and family members have supported the recommendations of ***The Need to Know*** report and some are actively involved in advocating for actions to be taken.

The Need to Make Amends (http://www.bcacl.org/pdfs/TheNeedtoMakeAmends.pdf) report was released by the B.C. Self Advocacy Foundation after consultations with former residents of Woodlands.

The *Having a Choice* report of the Woodlands Parent Action Group also supports the recommendations of the ***Need to Know*** and includes recommendations for action.

Part 6

Conclusion

The Woodlands Project was a special opportunity for former residents, members of the advocacy community and staff from the PGT to gather and share information and experiences about life in Woodlands School.

The Woodlands Project Team is grateful for the time and energy people put in to support the Woodlands Project.

The message that we heard from former residents, family members, staff and others throughout the project is that people must continue to be vigilant to protect the rights of adults and children with intellectual disabilities. The experience of Woodlands will profoundly affect the lives of all people associated with it for a long time. Access to counselling services, compensation and advocacy are ways that can help redress the wrongs that occurred there.

We also heard that it is important to ensure that the lessons of Woodlands are learned by all of us so that we do not, out of misplaced good intentions or fiscal concerns, create it again.

The Woodlands Project Team and the PGT hope that our work and this Report will assist former residents and their families to make informed choices about how to respond to the allegations of abuse surrounding Woodlands.

APPENDICES

Appendix A Woodlands Timeline

Appendix B Documents Reviewed for the PGT Woodlands Project

Appendix C PGT Woodlands Project Information Sheets

Appendix D Words Used in This Report

Appendix A

Woodlands Timeline

Year	Events
1878	The Provincial Asylum for the Insane opens and houses 36 patients
1883	Annual report states the institution's capacity is 39 patients, but 49 patients are housed; recommendations made to expand the facility
1888	Victoria Colonist reports there are 80 patients and overcrowding continues
1897	Provincial Asylum renamed the Public Hospital for the Insane (PHI)
1910	The institution's population was 700
1913	Population reduced to 466 after transfer of patients to Essondale
1922	Vocational Training Building constructed
1923	The institution's population was 607; over-crowding continues to be a concern
1936	First qualified teacher hired; training and education emphasized; focus changed to housing people with developmental disabilities
1945	School building opens
1948	A 3-year, 300 hour staff training program initiated
1950	Name changed to Woodlands School
1959	Woodlands School population is 1,408 residents (peak population) Report on Mental Health Legislation, A.W. Carrothers, University of British Columbia. This review and suggestions for modernizing the law in British Columbia was part of the

	movement to the 1964 amendments to the Mental Health Act and the School for Mental Defectives Act.
1961	Report of the American Psychiatric Association [Ross Report] Survey of Mental Health Needs in British Columbia released. Overcrowding and under-resourcing of Woodlands are an issue.
1964	Mental Health Act replaces School for Mental Defectives Act
1974	Transfer of Woodlands from the Department of Mental Health to the Department (and later, "Ministry") of Human Resources; Name changed from Woodlands School to Woodlands; population of Woodlands is 1,075 residents
1974	Health Security for All British Columbians by R.G. Foulkes, MD, published. Advocated that all mental institutions be abolished within five years.
1975	Population of Woodlands is about 1,000; community based options increase
1976	Woodlands parents lobby provincial government to reject large institutions and to provide more community-based services
1981	Provincial government announces plans to close Woodlands; population is 838
1985 -1996	Community placements for all Woodlands residents are planned and facilitated through yearly downsizing 'projects'; buildings are closed as residents move
1987	Woodlands population is 606 residents
1989	Willow Clinic opens as a 'specialized behavior unit'
1990	Woodlands population is 350 residents
1996	Woodlands closes its doors; Willow Clinic continues to operate with a small number of residents

Timeline of Events after Woodlands Closed and of Woodland Project

Year	Events
1996	Woodlands Oral History Project by British Columbia Association for Community Living and B.C. Self Advocacy Foundation
1998	*From the Inside/Out* Art Installation and Video produced by former residents
1998	J.H. v. Her Majesty the Queen Lawsuit about Woodlands School
2000	Vancouver Sun publishes stories about Woodlands by Kim Pemberton
	Provincial Government Commissions Woodlands File Review by Dulcie McCallum
2001	*The Need to Know* Report on the McCallum File Review submitted to government
2002	*July – The Need to Know* released to the public
	July – The Woodlands Project at the PGT begins
	August – Richard v. Her Majesty the Queen filed (class action about Woodlands)
	October – Woodlands Project interviews begin and first requests for FOI information are made
2003	Former residents and family members consulted on *The Need to Know* report and both groups submit recommendations to the Minister of Children and Family Development
	May – Former Minister Hogg issues a statement of apology to former residents of Woodlands and creates B.C. Institutional Legacy Fund.
2004	*June* – Woodlands Project completed

Appendix B

Documents reviewed for the PGT Woodlands Project

This is a list of some of the important documents reviewed by the PGT as part of its research for the Woodlands Project.

Reports

- *Report on Mental Health Legislation in BC*, A.W. Carrothers, University of British Columbia (1959)
- *American Psychiatric Association Survey of Mental Health Needs and Resources in British Columbia* (1961)
- *Health Security for All British Columbians*, Foulkes, R.G. (1974)
- *The "Children of Duplessis": A Time for Solidarity* (Quebec Ombusdman) (1997)
- *Institutional Child Abuse in Canada* (Bessner, Law Reform Commission of Canada, Fall, 1998)
- *Restoring Dignity: Responding to Child Abuse in Canadian Institutions* (Law Commission of Canada, March, 2000)
- *Searching for Justice* (Kaufman Report) (2002)
- *The Need to Know* Report (2002)
- *The Need to Make Amends* Report (2003)
- *BC Institute Against Family Violence 2002-2003 Annual Report.* The BC Institute Against Family Violence. www.bcifv.org 2002-2003.
- *The Hissom Closure Outcomes Study: A Report on Six Years of Movement to Supported Living.* Conroy, James, Scott Spreat, Anita Yuskauskas and Martin Elks. Mental Retardation, (2003) Volume 41, Number 4: 263-275.

Legislation – The Woodlands Project carried out a comprehensive review of legislation relating to mental health and intellectual disability in BC from 1911 through 2004. Some of the statutes reviewed included the following:

- *Sexual Sterilization Act*
- *Lunacy Act*
- *Insane Asylum Act*

- *Mental Hospitals Act*
- *Schools for Mental Defectives Act*
- *Mental Health Act*
- *Protection of Children Act*
- *Family and Childrens Services Act*
- *Child, Family and Community Services Act*
- *Family Relations Act*
- *Patients Estates Act*
- *Patients Property Act*
- *Public Trustee Act*
- *Freedom of Information and Protection of Privacy Act*
- *Class Proceedings Act*

Books

- *Arnold Bennington Story* (2000) by Arnold Bennington. Unpublished manuscript.
- *Christmas in Purgatory* (1974) by Burton Blatt and Fred Kaplan. Syracuse: Human Policy Press.
- *Deinstitutionalization and Institutional Reform (*1976) by R.C. Scheerenberger. Springfield, Illinois, Bannerstone House.
- *In the Context of its Time: A History of Woodlands* (1996) by Val Adolph. Richmond, BC: Government of British Columbia.
- *Memories of Woodlands* (1996) by Val Adolph. Richmond, BC: Government of British Columbia.
- *My Story* (1999) by Jim Champion. Unpublished manuscript.
- Our Own Master Race: Eugenics in Canada, 1885-1945 (1990) by Angus McLaren. Toronto: McClelland & Stewart,
- *Self-Advocacy by People with Disabilities (*1996) by Gunnar Dbywad and Hank Bersani Jr. Cambridge: Brookline Books.
- *The Origins and Nature of Our Institutional Models* (1974) by Wolf Wolfensberger. Syracuse: Human Policy Press.
- *Violence, Abuse and Disability: The End of Silent Acceptance?* (1994) by Dick Sobsey. Baltimore: Paul H. Brookes Publishing.

Articles

- *Analysis of the "Waiting List" in British Columbia.* R.G. Foulkes, C.M. Hawley, A.P. Hughes and B. Tischler. American Journal of Mental Deficiency, Volume 70, Number 1: 413-422. July, 1965.
- *Appendicular Fractures: A Significant Problem Among Institutionalized Adults With Developmental Disabilities.* K.M. Ryder, J. Williams and C. Womak. (2003). American Journal on Mental Retardation, Volume 108, Number 5: 340-346.
- *Behavior Problems in Adults With Mental Retardation and Maternal Well-Being: Examination of the Direction of Effects.* Gael I. Orsmond, Marsha Mailick Seltzer, Mary Wyngaarden Krauss and Jinkuk Hong. (2003). American Journal on Mental Retardation, Volume 108, Number 4:257-271.
- *Deinstitutionalization and Mortality: Findings of a Controlled Research Design in New Jersey.* Paul Lerman, Dawn Hall Apgar and Tameeka Jordan. (2003). Mental Retardation, Volume 41, Number 4: 225-236.
- *Detection of Changes in Naturalistic Scenes: Comparisons of Individuals With and Without Mental Retardation.* Michael T. Carlin, Sal A. Soraci and Christina P. Strawbridge. (2003). American Journal on Mental Retardation, Volume 108, Number 3:181-193.
- *Eyewitness Identification Accuracy: A Comparison of Adults With and those Without Intellectual Disabilities.* Kristine Ericson, and Barry Isaacs. (2003). Mental Retardation Volume 41, Number 3: 161-173.
- *Implicit Memory in Aging Adults With Mental Retardation With and Without Down-Syndrome.* Sharon J. Krinsky-McHale, Darlyne A. Devenny, Phyllis Kittler and Wayne Silverman. (2003). American Journal on Mental Retardation, Volume 108, Number 4:219-233.
- *Menstrual Discomfort as a Biological Setting Event for Severe Problem Behavior: Assessment and Intervention.* Carr, Edward G., Christopher E. Smith, Theresa A. Giacin, Bernadette M. Whelan and Joseph Pancari. (2003). American Journal on Mental Retardation, Volume 108, Number 2:117-133.

- *Mental Care Poor for Some Children in State Custody.* Robert Pear. (2003). New York Times.
- *National Survey of Sexual Behavior and Sexual Behavior in Facilities for Individuals With Mental Retardation/ Developmental Disabilities.* Deborah A. Gust, Susan A. Wang, James Grot, Ray Ransom and William C. Levine. (2003). Mental Retardation, Volume, 41, Number 5:365-373.
- *Perspectives. Authorship in Facilitated Communication: A Re-Analysis of a Case of Assumed Representative Authentic Writing.* Timo Slovovita, and Heikki Sariola. (2003). Mental Retardation, Volume 41, Number 5: 374-379.
- *Perspectives: Utility of the Vineland Adaptive Behavior Scales in Diagnosis and Research With Adults Who Have Mental Retardation.* Nigel Beail. (2003). Mental Retardation, Volume 41, Number 4: 286-289.
- *Phenomenology of Self-Restraint.* Chris Oliver, Glynis Murphy, Scott Hall, Kate Arron and Janice Leggett. (2003). American Journal on Mental Retardation, Volume 108, Number 2: 71-81.
- *Phonological and Visuo-Spatial Working Memory in Individuals With Intellectual Disability.* Celia Rosenquist, Frances A. Conners and Beverly Roskos-Ewoldsen. (2003). American Journal on Mental Retardation, Volume 108, Number 6:403-413.
- *Preserving Oral Histories: Example of the Institutional Experience.* Michael Dillon and Steve Holburn. (2003). Mental Retardation, Volume 41, Number 2:130-132.
- *Psychotherapy With Persons Who Have Mental Retardation: An Evaluation of Effectiveness.* Thompson H. Prout and Karen M. Nowak Drabik. (2003). American Journal on Mental Retardation, Volume 108, Number 2: 82-93.
- *Sexuality Policy And Procedures Manual.* The ARC. www.thearc.org 1997.
- *Staff Members' Prediction of Consequences for Their Work in Residential Settings.* Jim Mansell and Teresa Elliot. (2001). American Journal on Mental Retardation, Volume 106, Number 5:434-447.
- *Structural and Environmental Characteristics of Stereotyped Behaviors.* Scott Hall, Tracy Thorns and Chris Oliver. (2003). American Journal on Mental Retardation. Volume 108, Number 6: 391-402.

- *The ARC: When People With Mental Retardation Go To Court.* The ARC. http://www.thearc.org/ada/court/html Retrieved October, 2003.
- *Use of Minnesota Multiphasic Personality Inventory (MMPI) to Identify Malingering Mental Retardation.* Dennis William Keyes. (2004). Mental Retardation, Volume 42, Number 2:151-153.
- *Using Mood Ratings and Mood Induction in Assessment and Intervention for Severe Problem Behavior.* Edward G Carr, Darlene Magito McLaughlin, Theresa Giacobbe-Grieco and Chrisopher E. Smith. (2003). American Journal on Mental Retardation. Volume 108, Number 1: 32-55.
- *What Works for People With Mental Retardation? Critical Commentary on Cognitive-Behavioral and Psychodynamic Psychotherapy Research.* Nigel Beail. (2003). Mental Retardation, Volume 41, Number 6: 468-472.

Lectures

- *International Developments in the Social Rehabilitation of the Handicapped.* Lecture by Gunnar Dybwad, Vancouver Institute, January 17, 1976
- *Trends in the Protection of Children's Rights*, Lecture by Gunnar Dybwad, January 15, 1976, Vancouver

Appendix C – PGT Woodlands Project Infosheets

PUBLIC GUARDIAN AND TRUSTEE OF BRITISH COLUMBIA

The Role of the Woodlands Project Team at the Public Guardian and Trustee

- The PGT's Woodlands Project Team has been established to review certain incident reports identified by Dulcie McCallum as part of the research leading to her report "The Need to Know."

- The Team consists of a Lawyer, Admin./Research Support person, a legal secretary and a contracted Case Manager. The Team will determine if adults named in the report are currently living in BC, are able to make their own decisions or require support. This will involve contacting adults to determine if they have legal representatives, for example a Power of Attorney, Representative, or Committee.

- The Team informs the adults involved or their legal representatives of the steps to obtain their records from the Ministry of Children and Family Development. If the Public Guardian and Trustee is legal representative, we will obtain your records on your behalf.

- The Team also provides a public inquiry role to respond with information, advice, and support to claimants. The Project toll-free number is: 1-866-660-3211.

- The Team makes referrals as necessary to Jane Holland, the Advocate for Service Quality, who will provide information, referrals, and advice on behalf of the Ministry of Children and Family Development.

- The Team can forward allegations of crime to the New Westminster Police Department (contact Mike McFarlane – (604) 529-2457).

- The Team researches and evaluates potential civil claims of adults unable to make their own decisions independently and who have no other legally authorized person to act on their behalf (Representative under a Representation Agreement, Attorney under a Power of Attorney, Committee under the Patients Property Act).

PUBLIC GUARDIAN AND TRUSTEE OF BRITISH COLUMBIA

Woodlands Project Team - continued.

If the PGT is your Legal Representative:

- The PGT represents the legal rights of existing clients for whom the office acts as Committee of Estate, Power of Attorney or Representative.
- The PGT obtains the records of former Woodlands residents who are also PGT clients.
- The PGT liaises with other groups and agencies that support people who lived at Woodlands.

PUBLIC GUARDIAN AND TRUSTEE OF BRITISH COLUMBIA

If you agree to meet with someone from the Public Guardian and Trustee Woodlands Project Team

- The letter you received from the Woodlands Project Team offered you the chance to meet with someone from the Public Guardian and Trustee. If you have a committee or representative, the meeting will be organized through that person. The meeting will take about one hour.

- What you can do:

  - You can choose the location of the meeting so that it is convenient to you and private.
  - You can have a support person with you that you trust and who will respect your privacy.
  - You can ask questions about the McCallum Report on Woodlands and about the Public Guardian and Trustee.
  - You can stop the interview at any point.

- What the person from the Public Guardian and Trustee will do:

  - Tell you what records the Public Guardian and Trustee received from the Dulcie McCallum report says about your time in Woodlands.
  - Ask you if you want to talk about Woodlands.
  - Advise you of your options if you want to respond to this information.
  - Tell you about options to get more information, e.g. Freedom of Information requests.
  - Answer your questions.

- After the interview:

  - You will be given an information package about the Public Guardian and Trustee and the Woodlands Project.
  - You will be invited to phone or write to the person who met with you or any other person at the Public Guardian and Trustee's office who can answer your questions.

PUBLIC GUARDIAN AND TRUSTEE OF BRITISH COLUMBIA

How to Make a Request for Information under the Freedom of Information and Protection of Privacy Act

- The *Freedom of Information and Protection of Privacy Act* (the 'Act') came into effect in British Columbia in 1993.
- The Act provides individuals with specific information and privacy rights with regards to Information that is collected or controlled by Public Bodies in BC.
- To request access to records a person must write to the Information and Privacy Office of the Public Body that you think has the records you want. An example of a Public Body is the Ministry of Children and Family Development.
- A person must describe the records as clearly and completely as possible and request access to them.
- The Act states that a Public Body must respond to your request within 30 business days.
- A Public Body cannot charge a person for access to their own personal information.
- To request records from the Ministry of Children and Development write to them at:

INFORMATION AND PRIVACY BRANCH
MINISTRY OF CHILDREN AND FAMILY DEVELOPMENT
P.O. BOX 9702 STN. PRO. GOV.
Victoria, BC V8W 9S1

PHONE: (250) 387 - 0820
FAX: (250) 387 - 0817

The Request for Access to Records form and the FOIPP Act can be accessed at www.oipc.bc.ca.

PUBLIC GUARDIAN AND TRUSTEE OF BRITISH COLUMBIA

After Woodlands: Options to Respond

Everyone who lived at Woodlands will feel differently about their life there and how they want to respond to "The Need to Know" report.

This is a list of some of the ways that people can respond:

1) Criminal Charges: If you believe that you were assaulted you can report the offence to the police. The police and crown counsel will decide if they can prove your claim in criminal court. If there is a trial you will be asked to be a witness.

2) Individual Civil Law Suit: People who were abused at Woodlands can file a civil action for money to compensate them. There are time limits that prevent most actions after 30 years and so you should get legal advice if you want to do this.

3) Class Action: The law firm of Poyner Baxter has started a class action lawsuit for people who were abused at Woodlands. If the class action is certified everyone from Woodlands will be included in that action unless you opt out. (http://www.poynerbaxter.com)

4) Crime Victim Assistance: If you were the victim of a crime at Woodlands you may be able to apply for assistance from Crime Victim Assistance. (http://www.pssg.gov.bc.ca/victim_services/cva/index.htm)

5) Community Response Groups: Some groups in the community have organized information and support meetings for survivors and family from Woodlands. The following is a list of some of the groups. This service is provided for information only and the PGT is not endorsing the work of any particular group:

- BC Association for Community Living and Self Advocates Foundation: http://www.bcacl.org/
- We Survived Woodlands: http://www.wesurvived.net/main.htm

- Community Living Coalition: http://www.communitylivingcoalition.bc.ca/woodlands.htm
- FamilyLink: http://www.cls-bc.org/NewFiles/families.html
- Jane Holland, Advocate for Service Quality: http://www.mcf.gov.bc.ca/getting_help/advocate_service_quality.htm

6) Ad hoc Redress Programs: In some cases in Canada where government has operated an institution where children have been abused, the government has agreed to create an ad hoc redress program to provide compensation and recognition to survivors. This was recommended by Dulcie McCallum in her report. So far the government has not agreed to do anything like this for former residents who were abused at Woodlands. For more information on what has happened in other places in Canada you can review the Law Commission of Canada report on Institutional Child Abuse at: (http://www.lcc.gc.ca/en/themes/mr/ica/2000/ica00_main.asp)

7) BC Institutional Legacy Trust Fund: On May 30, 2003, the Minister of Children and Family Development made a statement about abuse at BC Institutions and announced the BC Institutional Legacy Trust Fund for survivors of abuse at institutions. The Trust Fund has just started asking for people to be members of the Advisory Committee to decide how the money should be spent. You can find out more about the BC Institutional Legacy Trust Fund by clicking here http://www.communitylivingcoalition.bc.ca/PDF/InstitutionalLegacyTrustFund.pdf or by contacting the Service Quality Advocate at http://www.mcf.gov.bc.ca/getting_help/advocate_service_quality.htm

PUBLIC GUARDIAN AND TRUSTEE OF BRITISH COLUMBIA

Information on Terminating a Committeeship

⇒ The procedure for ending a committeeship under the *Patients Property Act* depends on whether committeeship was created by Certificate of Incapability or Court Order.

COMMITTEESHIP BY CERTIFICATE

(a) If you are now capable:

⇒ If you are mentally capable you may wish to pursue a Certificate of Capability to end the Public Guardian and Trustee's (PGT) authority whether or not you have been discharged. Your Case Manager can assist you in arranging this.

⇒ A Court Order of Capability or the court appointment of a different committee will also end the PGT's authority when it was obtained through a Certificate of Incapability.

(b) If you have been discharged:

⇒ If the PGT has authority to act as Committee of Estate through a Certificate of Incapability and an adult is discharged from a provincial mental health facility or psychiatric unit, the *Patients Property Act* gives the PGT the discretion to discontinue involvement as Committee of Estate.

Patients Property Act, section 11(1)(a)(2) states:

11 (1) A person ceases to be a patient on any of the following events:

(a) being discharged from a provincial mental health facility or a psychiatric unit, under the *Mental Health Act*, except if the Public Guardian and Trustee continues as Committee under subsection (2);

> (2) Subject to an order made under Section 4, or to a certificate under subsection (1)(d), the Public Guardian and Trustee may continue as Committee of the Estate of any person who has been discharged from a provincial mental health facility or a psychiatric unit, and may retain the control and administration of the person's estate, so long as it is in the Public Guardian and Trustee's opinion necessary or desirable in the interests of that person or of that person's estate.

⇒ If you or your support network feel that the PGT does not need to be involved in your affairs and you have been discharged from a mental health facility or a psychiatric unit under the *Mental Health Act*, contact your Case Manager at (604) 660-4444.

⇒ Your Case Manager can assist you to determine if you have been formally discharged. This may mean helping you to obtain written confirmation from the Director of the facility or unit that you were in.

⇒ The Case Manager will review a number of factors including client and family wishes, the history of PGT involvement, your living environment, and your current or potential financial and legal situation to determine if the PGT needs to remain your Committee under the *Patients Property Act*.

⇒ Recommendations for termination of committeeship are made by the Case Manager to the Director of Services to Adults. The Director will decide whether the committeeship needs to continue.

COMMITTEESHIP BY COURT ORDER

⇒ If the committeeship was obtained through a Supreme Court Order, there is no administrative method to terminate the committeeship. This applies whether the PGT, a trust company or a private individual is the Committee. The only way to end a court-ordered committeeship is if the adult is capable. If this is the case, a new Court Order is required to end the committeeship. Two medical opinions from physicians are required and a lawyer will need to assist. Where the PGT is the Committee, your Case Manager can help coordinate this process.

Appendix D

Words used in this report

This report includes words which are legal terms, technical terms and other words that may be hard to understand. Below are plain language definitions for some of the words used when people talk about Woodlands or the PGT Woodlands Project.

Abuse (also see *systemic abuse*) - When the word ***abuse*** is used in this report it means physical or sexual harm to people that was legally wrong.

Advocate (also see *self-advocate*) – Someone who helps to protect people's rights.

Allegations - Statements that someone did something wrong that have not been proven in court.

Appendix – The last section of a book or report that gives extra information.

Archives - A place old documents and files about things that happened in the past are stored.

Case Managers - People who work for the PGT who help the clients of the PGT manage their money or their legal issues. In this project, a Case Manager interviewed **PGT clients** who were former residents.

Class Action Lawsuit - A kind of lawsuit where a group of people join together to go to court and ask a judge for a decision. The decision will apply to all members of the group.

Committee - A person who makes decisions for an adult who has been found to be ***incapable*** and who needs to have another person make decisions for them. There can be a ***committee*** of the person who makes decisions about where to live or when to go to the doctor and a ***committee*** of the estate who makes decisions about how to spend money. A ***committee*** is a ***Legal Representative***.

Conflict of Interest - This happens where a person or agency has a duty to a person which is in conflict with the person's or agency's own interests.

Counselling – In this report, this means talking to a therapist about experiences, feelings and ways to heal from being hurt.

Database - A computer program that keeps track of information.

Documents – Documents are all of the papers about Woodlands that were looked at for this report. This includes files, letters and reports.

FOI - Freedom of Information and Protection of Privacy Act. This is a law that allows people to get their own information from the government.

Incapable – In this report, this means a person who has been found unable to make some or all of their own decisions and who has one or more people to make decisions for them (see ***committee***).

Interviews – When a person asks another person a list of questions. Some former residents participated in interviews for this project.

Legacy Fund – The money that the provincial government set aside for former residents and families to use for counselling and support networks.

Legal Representative – a Legal Representative is a ***committee*** or a ***Representative*** under a ***Representation Agreement*** or a person who has a ***Power of Attorney*** for an adult. The Legal Representative makes decisions about legal and financial matters for adults.

Litigation Guardian – A person who makes decisions about a lawsuit for an adult who cannot make their own decisions.

Memorandum of Understanding - This is an agreement between the PGT and MCFD that outlined the information that MCFD could give to the PGT to carry out the Woodlands Project.

Ministry of Children and Family Development – The part of government that is responsible for Woodlands.

Need to Know Records – These are the records that Dulcie McCallum gave to MCFD where it looked like a former resident of Woodlands may have been the victim of abuse.

Neglect – Failing to do the things that help a person develop properly.

Overcrowding – Having so many people in one space that it is unhealthy or dangerous.

PGT - The Public Guardian and Trustee.

PGT Clients - Adults that the PGT is ***legal representative*** for.

Power of Attorney – A Power of Attorney is a legal document that an adult who is capable can use to choose a person to help the adult make financial and legal decisions. A person who holds a ***Power of Attorney*** is a ***Legal Representative***.

Regional Consultant - In the Woodlands Project this person provided assistance to former residents who were not clients of the PGT.

Representation Agreement - A Representation Agreement is a legal document that an adult can use to choose a person to help the adult make decisions.

Representative – A Representative is a person who has signed a ***Representation Agreement*** to help an adult make decisions. A ***Representative*** under a ***Representation Agreement*** is a ***Legal Representative***.

Self-Advocate – A person who stands up for his or her rights.

Severed – When a document is severed it means that any personal information, like a person's name, address or birthdate, is removed. This is done to protect people's privacy.

Solicitor-client privilege – When a person (client) asks a lawyer for advice or information the lawyer is not allowed to tell any other person about it unless the client gives them permissions. All of the former

residents who were part of the Woodlands Project have the right to claim solicitor-client privilege over their files in the Woodlands Project.

Sterilization – When someone has an operation so that they can't have a baby.

Summation - This is the name of the database that was used by the Woodlands Project.

Systemic abuse – The Need to Know report used the words "systemic abuse" about Woodlands – this means that the way things were organized there made it likely that people would be harmed.

***The Need to Know* Report** – The report that Dulcie McCallum did about Woodlands. http://www.mcf.gov.bc.ca/media_site/pdfs/Woodlands_review.pdf

***The Need to Make Amends* Report** – The report by the B.C. Self Advocacy Foundation on meetings where former residents heard and talked about *The Need to Know* Report.
http://www.bcacl.org/pdfs/TheNeedtoMakeAmends.pdf

Therapy – Counselling and other ways of helping people to heal from abuse or harm.

Timeline - A list of things that happened in order of the date. There are two timelines about Woodlands in ***Appendix A*** to this report.

Trauma – In this report, trauma means that someone has lasting emotional problems after being hurt.

Woodlands File – Information disclosed by MCFD as a result of Freedom of Information requests by former residents of Woodlands. This file information often contains information about the individual before, during and after the person's time at Woodlands.

Woodlands Project Clients – Former Woodlands residents who were named in the McCallum report documents and former residents who contacted the PGT to request assistance from the PGT.

Woodlands Project Team – The people from the PGT who worked to provide information and support to former residents of Woodlands.